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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 JORGE ROSALES,

12 Plaintiff,

13 vs.

14 BELLAGIO, LLC, a Nevada corporation;
ROE Business Organizations I-X; and DOE
15 INDIVIDUALS I-X, inclusive,

16 Defendants.

Case No. 2:17-cv-03117-JCM-GWF

**STIPULATION AND ORDER TO
EXTEND DISPOSITIVE MOTION
DEADLINE**

(SECOND REQUEST)

17 Pursuant to LR 26-4, all parties hereby stipulate to extend the deadline to file dispositive
18 motions by 30 days as set forth below.

19 This is the second request for an extension to the discovery plan and scheduling order in
20 this matter. The parties' prior request sought additional time to conduct discovery which in turn
21 has effected the deadline to file dispositive motions under FRCP 56. This extension does not seek
22 additional time to conduct discovery, and is sought in good faith and not for purposes of delay. The
23 request to extend the deadline to file dispositive motions is subject to the good cause standard as
24 the request is made less 21 days prior to its expiration. LR 26-4. Good cause exists to extend the
25 deadline, as transcripts of depositions required for the motion have not yet been finalized.
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REASONS FOR REQUESTING EXTENSION

The parties have not yet received all of the final deposition testimony transcripts necessary to prepare and respond to dispositive motions in this case. Specifically, the parties received Laura Moreno's deposition testimony on August 31, 2018, and do not yet have final transcripts for Jessica Harbaugh or Mahnaz Gholizadeh. Ms. Harbaugh's deposition was audio recorded by the court reporter, but due to a malfunction with the court reporter's equipment the deposition transcript for the testimony of Ms. Harbaugh, a key witness in this case, was not prepared and released until August 22, 2018. Ms. Harbaugh's transcript is more than 200 pages in length. She is currently reviewing the transcript for accuracy in order to provide a final version, but she works full time. The transcript for another witness, Mahnaz Gholizadeh, was not available until August 24, 2018. Like Ms. Harbaugh, Ms. Gholizadeh is reviewing her transcript, but she also works full time.

Defense counsel needs additional time to receive and review the transcripts, once final, in order to prepare its motion for summary judgment. Accordingly, the parties request a 30-day extension to the dispositive motion deadline.

1. DISCOVERY COMPLETED TO DATE:

Plaintiff:

Initial disclosures to Defendant	February 12, 2018
First supplemental disclosures to Defendant	February 27, 2018
First set of written discovery to Defendant	March 21, 2018
Responses to Defendant's written discovery	May 10, 2018
Second supplemental disclosures to Defendant	May 29, 2018
Deposition of Jessica Harbaugh	July 27, 2018
Third supplemental disclosures to Defendant	July 20, 2018
Deposition of Mahnaz Gholizadeh	July 31, 2018
Deposition of Laura Moreno	August 15, 2018
Fourth supplemental disclosures to Defendant	August 23, 2018

Defendant:

Initial disclosures to Plaintiff	February 8, 2018
First set of written discovery to Plaintiff	April 10, 2018
First supplemental disclosures to Plaintiff	April 23, 2018
Responses to Plaintiff's written discovery	April 23, 2018
Defendant's deposition of Plaintiff	June 20, 2018
Subpoenas to Plaintiff's medical providers	June 29, 2018
Deposition of Plaintiff	June 20, 2018
Third supplemental disclosures to Plaintiff	August 20, 2018
Fourth supplemental disclosures to Plaintiff	August 23, 2018

2. DISCOVERY YET TO BE COMPLETED:

None.

3. PROPOSED REVISED DISCOVERY PLAN:**A. Summary of Proposed Changes**

	Current Deadline	Revised Deadline
Dispositive Motions	September 21, 2018	October 22, 2018
Pretrial Order	October 24, 2018	November 26, 2018

B. Dispositive Motions: Dispositive motions may be filed no later than **October 22, 2018**, which is not later than thirty (30) days from the discovery cut-off date.

C. Pretrial Order: The pretrial order shall be filed by **November 23, 2018**, which is not later than thirty (30) days after the date set for filing dispositive motions. In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after the decision of the dispositive motions or until further order of the Court.

D. Additional Extensions of the Discovery Plan and Scheduling Order: The last day for the parties to file their Motion and/or Stipulation to Extend a deadline subject to this Stipulation and Order to Extend Discovery Deadlines and Scheduling Order shall be at least twenty-one (21) days before the expiration of the deadline, and comply fully with LR 26-4.

1 **E.** Any deadline not extended in accordance with the Stipulation and Order to Extend
2 Discovery Deadlines and Scheduling Order set forth above shall remain controlled by the Stipulated
3 Amended Discovery Plan and Scheduling Order (ECF No. 17) filed in this matter on July 3, 2018.

4 Dated this 31st day of August, 2018.

5 KEMP & KEMP

JACKSON LEWIS P.C.

6
7 /s/ Victoria L. Neal
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10 Attorneys for Plaintiff
11 Jorge Rosales

Attorneys for Defendant
Bellagio, LLC

12
13 **ORDER**

14 **IT IS SO ORDERED.**

15 Dated: ____September 14 ____, 2018.

16 George W. Foley, Jr.
17 HON. GEORGE W. FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE

18 4824-8452-1841, v. 1
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